

Tuesday, December 17, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold and Acting Chairperson
Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY ACTING CHAIRPERSON BRUCE S. GIBSON.

Consent Agenda – Review and Approval:

1-28. This is the time set for consideration of the Consent Agenda.

Acting Chairperson Gibson: opens the floor to public comment. Further, states he will be abstaining from voting on Item No. 17 due to a conflict of interest and requests the item be pulled from the Consent Agenda for separate action.

Supervisor Mecham: requests Item No. 23 be pulled from the Consent Agenda for separate discussion and action.

The action taken for Consent Agenda items 1 through 16, 18 through 22, and 24 through 28 on the following vote is indicated for each item.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request to approve Amendment No. 1 to the agreement for Employment Services with MarketCher to provide administrative services to the San Luis Obispo County Tourism Improvement District (CBID) to extend the contract term for two years (January 1, 2014 through December 31, 2016). All Districts.

This item is amended by replacing Amendment No. 1 due to an incorrect date. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

2. Submittal of a resolution accepting the exchange of property tax revenue and annual tax increment for Annexation No. 89 to the City of Paso Robles (Ernst). District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-316, adopted.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

3. Submittal of a resolution accepting notice and approving an internet public auction, Sale Number 231, for tax-defaulted properties subject to the Tax Collector's Power to Sell. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-317, adopted.

4. Submittal of a resolution accepting notice and approving a sealed bid sale, Sale Number 232, for tax-defaulted properties subject to the Tax Collector's Power to Sell. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-

318, adopted.

5. Request to approve an agreement (Clerk's File) to purchase tax-defaulted land, sale number 230 – County of San Luis Obispo General Services Agency. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

6. Request to approve an agreement with the Avila Beach Advisory Council allocating \$2,000 from District Three Community Project Funds – Fund Center 106 to be used for expenses associated with developing an advisory council website. District 3.

The Board approves as recommended by the County Administrative Officer.

7. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - County Fire Items:

8. Request to amend the Fixed Asset List to remove three non-functioning hazardous material identifiers and return them to the manufacturer; and to accept a replacement package of equipment and training from the manufacturer, and add the replacement equipment to the Fixed Asset List. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

9. Submittal of a resolution authorizing: 1) acceptance of a grant award for \$10,000 under the National Recreation and Parks Association (NRPA), Recreational Boating and Fishing Foundation (RBFF) and the Take Me Fishing™ initiative for the purpose of acquiring interpretive supplies and outdoor education equipment and 2) the General Services Agency Director or designee to submit and sign grant documents; and approve a corresponding budget adjustment. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-319, adopted.

10. Request to authorize a budget adjustment in the amount of \$24,800 to General Services Agency Fund Center 11307 from General Fund Contingencies for the purpose of purchasing 18 parcels of tax-defaulted land located in the uneconomic subdivisions on the hillsides above Cayucos. District 2.

The Board approves as recommended by the County Administrative Officer.

11. Request to approve a five-year lease agreement with Louise T. Hughan for office space located at 145 Prado Road in San Luis Obispo for the Probation Department. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

12. Submittal of a resolution recognizing Marilyn McDermott upon her retirement after 22 years of service to the County of San Luis Obispo. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-320, adopted.

13. Submittal of a resolution recognizing Jan Campbell upon her retirement after 26 years of service to the County of San Luis Obispo.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-321, adopted.

14. Request to endorse the submission of a grant application to the National Association of County and City Health Officials in the amount of \$21,560 to help fund development of a Health Agency Strategic Plan. All Districts.

The Board approves as recommended by the County Administrative Officer.

15. Request to: 1) approve a renewal Standard Agreement Performance Contract with the State Department of Health Care Services for FY 2013-14 delegating to the County responsibility for establishing county-wide community mental health services related to the Mental Health Services Act, Projects for Assistance in Transition from Homelessness, and Community Mental Health Services Grant, and 2) grant delegation of authority to the Health Agency Director to sign the agreement. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

16. Submittal of two resolutions approving 1) an increase in employee-paid pension contribution rates for the Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS), Law Enforcement Unit (Bargaining Unit 27) and Supervisory Law Enforcement Unit (Bargaining Unit 28), and 2) amendments to the San Luis Obispo County Employees Retirement Plan Appendices. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2013-322 and 2013-323, adopted.

Consent Agenda - Pension Trust:

18. Submittal of a resolution approving amendments to the San Luis Obispo County Employees Retirement Plan Appendices for contribution rate increases for agencies contracting with the Pension Trust. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-324, adopted.

Consent Agenda - Planning & Building Items:

19. Submittal of a resolution amending the Position Allocation Listing for Fund Center 142 - Planning and Building to add two Limited Term Planner I - III positions, and authorize two associated budget adjustments to fund these new positions. All Districts.

Mr. Tom Dawson and Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speak.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-325, adopted.

20. Request to approve Amendment No. 1 to agreement with Economic Vitality Corporation in the amount of \$50,000 to implement the EVC's San Luis Obispo County Clusters of Opportunity Economic Strategy. All Districts.

The Board approves as recommended by the County Administrative Officer.

21. Request to approve Amendment No. 1 to Agreement between the County of San Luis Obispo and the Economic Vitality Corporation of San Luis Obispo County for Provision of Pilot Economic Analysis

Project to extend the term to February 28, 2014. All Districts.

The Board approves as recommended by the County Administrative Officer.

22. Request to approve a contract (Clerk's File) for independent review of engineering geology reports and consultation on geology issues with Landset Engineers, Inc. in the amount not to exceed \$50,000 per year from 2014 to 2018. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda – Public Works:

24. The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their respective tentative maps: A. Tract 2667-Phase 1, a proposed subdivision resulting in 4 lots, by San Luis Coastal Unified School District, San Antonio Street, Avila Beach. District 3; and B. Parcel Map CO 10-0025, a proposed subdivision resulting in 4 lots by John M. Gardner, Successor Trustee of the Gardner Family Trust, on Orcutt Road, south of San Luis Obispo. District 3. 1. Act on the attached resolution to accept the relinquishment of ingress and egress along Orcutt Road. 2. Act on the attached resolution to accept an Agricultural Open Space Agreement. 3. Act on the attached resolution to approve a land conservation contract.

This item is amended by adding the Planning and Building staff report, and Attachments B, C and D that belong with the Open Space Agreement that were inadvertently omitted; and by replacing the resolution in Attachment No. 5 to correct a typographical error. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NOS. 2013-326, 2013-327, and 2013-328, adopted.

25. Submittal of a resolution authorizing an execution of notice of completion and acceptance for 2013 Chip Seal Various Roads, San Luis Obispo County. Districts 1, 2 and 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-329, adopted.

26. Submittal of a resolution authorizing execution of notice of completion and acceptance for the Klau Mine and Huasna Road Slip-Out Repair Project. Districts 1 and 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-330, adopted.

Consent Agenda Public Works - Board Sitting as Flood Control District:

27. Request to approve an agreement between the San Luis Obispo County Flood Control and Water Conservation District and the Upper Salinas-Las Tablas Resource Conservation District for implementation of the Templeton Creek Community Creek Stewardship and Maintenance Program. District 1.

Ms. Jillian Cole - Upper Salinas – Las Tablas Resource Conservation District Project Engineer: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

28. Request to approve the appointment of Angelo Arevalos, Jr. to a labor partner seat on the San Luis Obispo County Workforce Investment Board for a term expiring on June 30, 2015.

The Board approves as recommended by the County Administrative Officer.

Items 17 and 23 - Pulled from the Consent Agenda for Separate Action:

17. Submittal of a resolution for Management and Confidential employees, Bargaining Units (BU) 07, 08, and 11; Appointed Department Heads, BU 09; Elected Officials, BU 10; General Management Law Enforcement, BU 16; and the Board of Supervisors, BU 17 approving: 1) an increase in employee-paid pension contribution rates; 2) an increase to the monthly Cafeteria Plan Allowance and 3) amendments to the San Luis Obispo County Employees Retirement Plan Appendices. All Districts.

Acting Chairperson Gibson: states he will be abstaining from voting on this item due to a conflict of interest.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-331, adopted.

Motion by: Adam Hill
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)			x	
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

23. Request approval of 1) Amendment No. 2 with HDR Engineering, Inc. in the amount of \$2,840,642 for Construction Management Services for construction of the Collection System (increasing the contract amount from \$6,891,632 to \$9,732,274) and 2) authorization of Engineering Services during construction of the Water Recycling Facility, under the existing agreement with Carollo Engineers, in the amount of \$1,444,099 for a revised total contract amount of \$4,826,599, Los Osos Wastewater Project, Los Osos. District 2.

Dr. C. Hite; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Mr. Ben DiFatta; Mr. Julie Tacker; Ms. Linde Owen (photographs); Mr. Jeff Edwards; and Mr. Richard Margetson (handout): speak.

Supervisor Mecham and Supervisor Arnold: address their concerns with this item, with Board Members and staff responding.

The Board withdraws this item from the agenda and directs staff to bring this item back in January with other items regarding the project.

Motion by: Caren Ray
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Presentations:

29. Recognition of the Women Infants and Children (WIC) Dental Days Program for receiving a California State Association of Counties (CSAC) Merit Award. All Districts.

Ms. Penny Borenstein - County Health Officer: speaks.

Ms. Penny Burciaga – Administration Office: presents a video.

The Board recognizes the WIC Dental Days Program which recently received a CSAC Merit Award.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

30. Submittal of a resolution recognizing the Coastal San Luis Resource Conservation District for 60 years of service to the County of San Luis Obispo.

Dr. Neil Havlik - Coastal San Luis Resource Conservation District: speaks.

RESOLUTION NO. 2013-332, a resolution recognizing the Coastal San Luis Resource Conservation District for 60 years of service to San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Public Comment Period:

31. This is the time set for members of the public wishing to address the Board on matters that are not scheduled on the agenda.

Ms. Laura Mordaunt: addresses various issues that members of public bring forward to the Board and feels the public is being discouraged.

Dr. C. Hite: presents a video titled "Let the Good Guys Win 2013."

Mr. Eric Greening and Ms. Julie Tacker: discuss concerns regarding the Phillips 66 Extension Project. Additionally, Mr. Greening, comments on the newly selected Planning and Building Director.

Ms. Elsa Dawson: comments on emergency preparedness; speaks to the gift of love, her beliefs, and encourages all to make the best of this Christmas.

Ms. Cindy Steinbeck: discusses her comments at the recent Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) meeting.

Mr. Dane Senser: presents and discusses a handout on what “restoring love” means to him.

Mr. Ben DiFatta and Ms. Linde Owen (photographs): address various issues relating to the Los Osos Wastewater Project (LOWWP). Additionally, Ms. Owen, announces the upcoming Nuclear Regulatory Commission meeting.

Mr. Tom Dawson: presents a You Tube video titled "That's my King,"

Mr. John Synder: presents and discusses a document relating to the Santa Maria Groundwater case.

Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB): addresses his concerns regarding the public comment process for items on the consent agenda.

Mr. Richard Margetson: discusses concerns regarding Item No. 23 and its placement on the agenda.

Supervisor Arnold: thanks members of the public who came to speak. **No action taken.**

Board Business:

- 32.** Accept bid results and award a construction contract, contingent on State Department of Finance approval, to Roebbelen Contracting, Inc., as general contractor, in the amount of \$27,797,000 for construction of the Women’s Jail Expansion project; waive Public Contract Code change order limits for the construction contract; sign and approve an amendment to the consultant services contract for construction administration; award consultant contracts for inspector of record, testing and special inspection, and commissioning agent; authorize an appropriation increase in the amount of \$6,585,156 to the project; authorize the Auditor-Controller-Treasurer-Tax Collector to support cash flow requirements for the project; and request to receive and file the project update for the Women’s Jail Expansion project located at 1585 Kansas Avenue, San Luis Obispo. District 2.

Mr. Rob Reid – Sheriff Chief Deputy: amends this item to correct a typographical error in the Staff Report on Page 7 by replacing the reference to the number of beds from 198 to 298.

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Dane Senser and Captain Michelle Cole - Sheriff’s Department: speak.

The Board accepts the results of the November 7, 2013 bid opening for the Women’s Jail Expansion project located at 1585 Kansas Avenue, San Luis Obispo, contingent on State Department of Finance (DOF) approval, award a construction contract to Roebbelen Contracting, Inc., as general contractor, in the amount of \$27,797,000, and instruct the Chairperson to sign the Contract upon receipt of all insurance and bond documents; waives Public Contract Code Section 20142(b) for change order limits and approve a 10% change order contingency for the construction contract and delegate change order authority to the General Services Agency Director; approves and instructs the Chairperson to sign a third amendment to the consultant services contract for construction administration with AECOM Technical Services, Inc. in the amount of \$989,496; approves and instructs the Chairperson to sign a contract for inspector of record services to 4LEAF, Inc., in the amount of \$519,800; approves and instructs the Chairperson to sign a contract for testing and inspection services to Earth Systems Pacific, in the amount of \$239,732; approves and instructs the Chairperson to sign a contract for commissioning agent services to Enovity, Inc., in the amount of \$152,318; authorizes an appropriation increase in the amount of \$6,585,156 for the Women’s Jail Expansion project using \$2,163,652 from the Facilities Planning Designation in the Capital Projects Fund and \$4,421,504 from reserves in the Criminal Justice Facility Construction Fund; authorizes the Auditor-Controller-Treasurer-Tax Collector to make short-term loans between any funds under the control of the County Board of Supervisors to support cash flow requirements specific to the Women's Jail Expansion Project; waives the requirements to have repayment occur by the end of the fiscal year and that the loan bear interest; and receives and files project update.

Motion by: Adam Hill
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

- 33.** Hearing to adopt a gas franchise ordinance for Southern California Gas Company for transportation and distribution of gas in San Luis Obispo County. All Districts.

(This item is amended, per the addendum to the agenda, to A) replace the subject line as follows: Hearing to 1) adopt a gas franchise ordinance for Southern California Gas Company for transportation and distribution of gas in San Luis Obispo County; 2) accept the CEQA Notice of Exemption; and 3) approve the Abandoned Lines agreement; B) replace Attachment 2, the Gas Franchise Ordinance with the attached signed ordinance; C) replace Attachment 1, the Agreement Regarding Abandoned, Inactive and Unidentified Pipelines with the attached signed agreement by County Counsel; and D) revise the recommendation to add 4) direct the Board Chair to sign the Abandoned Lines agreement, 5) Accept the CEQA Notice of Exemption and 6) Direct the County Clerk-Recorder to file the CEQA Notice of Exemption.)

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Tim Mahoney - Southern California Gas Company: speaks.

The Clerk reports that no written protests have been received.

The Board conducts a public hearing; the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3255, an ordinance of the County of San Luis Obispo approving gas pipeline franchise, adopted. Further, finds that no protests have been received; accepts the Notice of Exemption from CEQA; executes the agreement regarding abandoned, inactive and unidentified pipelines; and directs the Clerk to file the Notice of Exemption and publish the ordinance within fifteen (15) days of adoption, in a paper of general circulation with the names of the Board Members who voted for and against the ordinance.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

34. The Board announces they will be going into Closed Session regarding:

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Steinbeck, et al. v. County of San Luis Obispo, et al.; 2. Paso Robles Water Integrity Network v. County of San Luis Obispo, et al.; 3. Coast National Bank v. County of San Luis Obispo.
B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 4. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 5. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 6. SLOGAU; 7. SLOCPPOA; 8. SLOCEA-Trades and Crafts; 9. DCCA.

III. PERSONNEL (Gov. Code, § 54957.) It is the intention of the Board to meet in closed session to: 10. Consider Public Employee Annual Performance Evaluation for the Position of County Counsel.

(Added Closed Session, per the addendum to the agenda. I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: A. Conference with Legal Counsel-Existing Litigation (Government Code, section

54956.9(a).) (Formally initiated) 11.Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water). Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Acting Chairperson Gibson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Board Business - Public Works - Board Sitting as Flood Control District

- 35.** Receive a Paso Robles Groundwater Basin Management Plan implementation update and provide staff direction as you deem appropriate. Districts 1 and 5.

Mr. Johnson Yeh - GeoScience Consultant: speaks.

Acting Chairperson Gibson: opens the floor to public comment.

Ms. Cindy Steinbeck; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Mr. Eric Greening; Mr. Ryan McCloskey (3 Documents); Ms. Sue Luft; Ms. Laura Mordaunt; Mr. Bob Blair; Mr. Bill Pelfrey; Mr. Dane Senser; and Mr. Matt Turrentine: speak.

Acting Chairperson Gibson: receives the model update and summarizes the Board's discussions. **No action taken.**

Acting Chairperson Gibson: wishes everyone the best of this holiday season and adjourns this last meeting of the year in memory of Paul Teixeira.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, December 17, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: December 20, 2013